

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DONALD AND BONNIE POLLARD,  
et al.,

Plaintiffs,

v.

Case No. 3:23-cv-135

JOHN JOHNSON, SR.,  
et al.

Defendants.

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**DECLARATION OF PAMELA KESTER IN SUPPORT OF  
PLAINTIFFS' MOTIONS FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

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I, Pamela Kester, declare under the penalty of perjury that the following is true and correct:

1. I am an adult individual residing at the address of 14896 Redpoll Lane, Lac du Flambeau, WI 54538 (the "Property").
2. My 17-year-old daughter also resides with me at the Property.
3. I own the Property, which is our home and full-time residence.
4. The only roadway access to the Property is via East Ross Allen Lake Lane, which access now has been blocked as stated below.
5. The only roadway access to properties in Lac du Flambeau with addresses on East Ross Allen Lake Lane, as well as those with addresses on Redpoll Lane and Big Thunder Lane, is now blocked by the barricade that has been placed on East Ross Allen Lake Lane as stated below.

6. On January 31, 2023, a barricade was erected on East Ross Allen Lake Lane, consisting of two large concrete blocks with a locked chain between the blocks as well as a wooden barricade in front of the chain.

7. My daughter and I received less than 24 hours' notice that a barricade would be erected on East Ross Allen Lake Lane.

8. Because of the barricade on East Ross Allen Lake Lane, my daughter and I were forced to flee our home. We are currently prevented from living in or accessing our home as well as prevented from getting my daughter to and from school.

9. My daughter has special needs, including high functioning autism and reactive attachment disorder. These medical conditions cause, among other things, a diversity of learning disabilities.

10. This past year, in September, my daughter started attending Minocqua Lakeland Union High School ("LUHS") as a senior. For the first time in an exceptionally long time, my daughter was thriving in school. She was excelling in her classes, making friends and had great opportunities to learn and grow as a person.

11. When we received notice of the potential for a barricade to be placed on East Ross Allen Lake Lane, I quickly decided it would be best for us to leave our home before the barricade was put in place. Being behind the barricade would have been extremely stressful for my daughter. Our Wi-Fi and phone reception are poor so it would have been impossible for her to continue her coursework from home.

12. The next morning at 7 a.m., when it was 20 degrees below zero, we packed a few clothes, our two dogs and all of my daughter's stuffed animals into the car. We left for Iowa

where her father and brother live. At that time, we assumed the barricade would be up for just a few days.

13. Transition, changes in schedule, and uncertainty are very difficult for my daughter because of her Attachment Disorder. Her brain goes into fight or flight mode when she is stressed and she becomes completely dysregulated.

14. When we left our home and almost all of our possessions behind us, she was extremely stressed and frightened.

15. Once in Iowa, my daughter struggled to continue with her schoolwork through LUHS. She was originally going half days, because a full day in school is too difficult for her and she was taking four classes. As the days passed and the barricades remained in place, schoolwork became insurmountable without the help of her teachers and onsite IEP concessions for her disabilities.

16. I contacted the Lac du Flambeau Chief of Police asking that he contact someone within tribal council and request that my daughter and I be allowed to return to our home and that I be allowed to pass through the barricade to take her to and from school. No one within the tribal council would respond to my request.

17. As the situation appeared to be escalating in Lac du Flambeau, my daughter became despondent and depressed with little energy or interest for her schoolwork.

18. I attempted to find housing within a couple of hours drive from LUHS, but the only rentals available were too expensive or were only available for short periods of time. The transition of moving from place to place would be extremely difficult for my daughter.

19. With the help of student services and her caseworker at school, we decided to drop three of her four classes. She is now taking only one class, Human Geography, and is still struggling.

20. My daughter has only been able to meet with her speech therapist on Zoom once during this entire time.

21. She was also scheduled to begin Transitional Service Training through her school the Friday after we left. Her Equestrian Occupational Therapy was scheduled to begin the first of March. Because of the barricade and our inability to return home, my daughter has been unable to receive therapy that has proven to be beneficial to her in the past.

22. My daughter also has tricuspid valve dysplasia and has had two open heart surgeries -- first to repair the valve, and four years ago, to replace the valve. One of the symptoms being monitored are palpitations, which she experiences when stressed.

23. A week after returning to Iowa, she began a thirty-day monitoring assessment using a portable heart monitor.

24. This past Thursday evening, my daughter experienced a prolonged session of palpitations. Typically, her palpitations last one to two minutes. This time she experienced palpitations for over an hour and began to feel lightheaded.

25. Enroute to the emergency room, she also began to experience chest pain. She was hooked up to an EKG, put on a monitor and had had bloodwork drawn for cardiac markers. Her palpitations lasted more than two hours.

26. After discussing the situation with her doctor, we determined she had likely had a panic attack. I have no doubt whatsoever that this panic attack was caused by us being barricaded and having to flee our home and being displaced for four full weeks.

27. My daughter is very aware of what is happening regarding the road barricades in Lac du Flambeau, including threats made to one of our neighbors and multiple threats made on social media to set fire to our homes.

28. My daughter does not want to go to a different school. She wants to return to LUHS in Minocqua where she has had more success and experienced more opportunities than she ever had before.

29. The stress, anxiety and fear we are experiencing because of this situation will likely take years for my daughter to overcome. Her mental and physical health are suffering. She has essentially forfeited a semester at school and completely lost the sense of stability and security we had created in our home.

30. This situation has caused, and will continue to cause, my daughter irrefutable harm.

Executed under penalty of perjury this 4<sup>th</sup> day of March, 2023.



Pamela Kester